

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSE P. CASTILLO MOTA,

Plaintiff(s),

-against-

KILOLO KIJAKAZI, Acting Commissioner of  
Social Security,

Defendant(s),

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: August 17, 2023

23 Civ. 7129 (LGS)

**ORDER OF REFERENCE**

**TO A**

**MAGISTRATE JUDGE**

LORNA G. SCHOFIELD, United States District Judge:

It is hereby **ORDERED** that this case is referred to the **Hon. Robert W. Lehrburger** for a report and recommendation on any motion for judgment on the pleadings. To conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, it is hereby **ORDERED** that the parties must discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before the assigned Magistrate Judge.

If both parties consent to proceed before the Magistrate Judge, counsel for the defendant must, **within two weeks of the date of this order**, either mail or email directly a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, a copy of which is attached to this order (and also available at <http://nysd.uscourts.gov/file/forms/consent-to-proceed-before-us-magistrate-judge>). If the Court approves that form, all further proceedings will then be conducted before the assigned Magistrate Judge rather than before me. An information sheet on proceedings before magistrate judges is also attached to this order. Any appeal would be taken directly to the United States Court of Appeals for the Second Circuit, as it would be if the consent form were not signed and so ordered.

If either party does not consent to conducting all further proceedings before the assigned Magistrate Judge, the parties must file a joint letter, **within two weeks of the date of this order**, advising the Court that the parties do not consent, **but without disclosing the identity of the party or parties who do not consent**. The parties are free to withhold consent without negative consequences.

SO ORDERED.

Dated: August 17, 2023  
New York, New York



**United States District Court  
Southern District of New York**

**NOTICE TO PRO SE CLAIMANTS**

The District Judge has referred this Social Security case to one of the Court's Magistrate Judges for a Report and Recommendation. Magistrate Judges are judges selected by the District Judges to serve for terms of eight years. Magistrate Judges are highly qualified and very experienced.

You have an option to agree to have the Magistrate Judge to whom your case has been referred decide your case instead of recommending a decision to the District Judge who would then review the Report and Recommendation and address any objections to it.

If you consent to having the Magistrate Judge decide your case, the Magistrate Judge replaces the District Judge, thereby speeding up the resolution of the case (because only one judge instead of two will be involved in your case). Any appeal from a Magistrate Judge's decision following consent is directly to the United States Court of Appeals for the Second Circuit in the same way that an appeal from a District Judge's decision would be taken. If you do not consent to having the Magistrate Judge decide your case, then the Magistrate Judge will issue a Report and Recommendation and the District Judge will consider any objections either party has to the Report and Recommendation before a final judgment is entered in your case.

Both you and the Commissioner of Social Security must consent in order for the Magistrate Judge to decide your case. If you do not consent, there will be no adverse consequences. If you wish to consent, please sign the enclosed form and mail or hand deliver it to Lisa Ahearn, Civil Clerk's Office, Office of the United States Attorney for the Southern District of New York, 86 Chambers Street - Third Floor, New York, New York 10007. The United States Attorney's Office will arrange to have the consent form signed by the District Judge.

**THE DANIEL PATRICK MOYNIHAN  
UNITED STATES COURTHOUSE  
500 PEARL STREET  
NEW YORK, NY 10007-1312**

**THE CHARLES L. BRIEANT, JR.  
UNITED STATES COURTHOUSE  
300 QUARROPAS STREET  
WHITE PLAINS, NY 10601-4150**

**PRO SE OFFICE  
(212) 805-0175**

**UNITED STATES DISTRICT COURT**  
for the  
Southern District of New York

<i>Plaintiff</i> v.  <i>Defendant</i>	) ) ) ) )	Civil Action No.
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**NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE**

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's authority.* The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

<i>Parties' printed names</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>

**Reference Order**

**IT IS ORDERED:** This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: \_\_\_\_\_

\_\_\_\_\_  
*District Judge's signature*

\_\_\_\_\_  
*Printed name and title*

**Note:** Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.